

State of South Dakota

SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

329J0450

SENATE BILL NO. 126

Introduced by: Senators Kooistra and de Hueck and Representative Solum

1 FOR AN ACT ENTITLED, An Act to require certain information regarding the use of cellular
2 telephones in motor vehicles involved in traffic accidents to be compiled, evaluated, and
3 reported.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. Beginning with the report to be made in 2005, the secretary of the Department
6 of Public Safety shall include in the annual South Dakota Motor Vehicle Traffic Accident
7 Summary, information relative to whether the use of a cellular telephone or other
8 communication device by the operator of a motor vehicle contributed to, or was a factor in, any
9 accident reported pursuant to § 32-34-10.

10 Section 2. The secretary of the Department of Public Safety, the director of the Office of
11 Highway Safety, and the director of the Division of Insurance shall:

12 (1) Collect and evaluate statistics, as compiled pursuant to § 32-34-10 and as required
13 pursuant to section 1 of this Act, showing whether the use of cellular telephones has
14 increased the incidence of accidents or accidents per mile of similar motor vehicles;
15 and

16 (2) Evaluate whether the use, nonuse, or extent of use of cellular telephones by motorists



1 should be proposed as a factor in determining:

2 (a) Lower premium rates of motor vehicle insurance policies, if appropriate;

3 (b) Tort liability in motor vehicle accident law suits;

4 (c) Safety instructions given to customers by sellers, installers, and lessors of
5 cellular telephones; and

6 (d) Any other safety proposal on the use of cellular telephones.

7 Section 3. In implementing section 2 of this Act, the secretary of the Department of Public
8 Safety, the director of the Office of Highway Safety, and the Director of the Division of
9 Insurance shall consult with each other, representatives of the motor vehicle insurance industry,
10 the cellular telephone industry, consumer and safety groups, and such other persons with
11 expertise they deem relevant. The secretary of the Department of Public Safety shall report the
12 group's findings, including legislative proposals, to the Governor and Legislature prior to
13 January 15, 2005.